

Interview Summary	Application No. 10/522,721	Applicant(s) JORDAN, CLIFFORD L.	
	Examiner Justine R. Yu	Art Unit 3771	

All participants (applicant, applicant's representative, PTO personnel):

(1) Justine R. Yu. (3)_____

(2) Robert Bushnell. (4)_____

Date of Interview: 12 September 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 59.

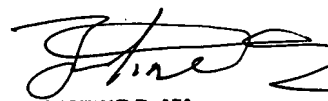
Identification of prior art discussed: None.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant argued the potential obvious type double patenting rejection to the amended claim 59 proposed by Examiner Ali and stated that once the Office issued a restriction requirement in a parent application, there should not be a double patenting rejection because this is a Divisional application. Examiner Yu explained to the applicant that in the parent application 10/208,188, the restriction was made between two inventions: an apparatus and a method. Applicant elected the invention directed to the apparatus claims and received a patent. In the instant application the applicant claimed both apparatus and method. Claim 59 is an apparatus claim that can be rejected under obviousness type double patenting. The applicant disagreed. Applicant is advised the right to appeal from the Examiner's decision after received the Office action. Applicant is also referred to talk to one of the TC3700 SPREs.

In a side notes, it comes to the Examiner's attention that applicant has not yet established the relationship between the parent applications and the instant application required by 37CFR 1.78(2)(i). It is not clear whether or not the instant application is a Divisional application.